



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: *May 9, 2017*

**DATE:** Friday, April 21, 2017

**TO:** Board of County Commissioners

**FROM:** John Listinsky, Director, Human Resources/Labor Relations  
328-2089, [jlistinsky@washoecounty.us](mailto:jlistinsky@washoecounty.us)

**THROUGH:** Christine Vuletich, Assistant County Manager

**SUBJECT:** Approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to Washoe County Code 125.225. (All Commission Districts.)

### SUMMARY

The current Pro Tem Justice of the Peace panel for the Justice Courts was approved by the Board in 2016. Beginning Monday, March 13, 2017, Human Resources posted a new announcement to the Jobs page of the Washoe County website and advertised on the State of Nevada and Washoe County Bar Associations' websites. Human Resources also contacted panelists from the existing list requesting them to re-apply if interested. The filing deadline for receipt of all completed applications was Monday, April 10, 2017. Attached is an updated Pro Tem Justice of the Peace List for Justice Courts pursuant to NRS 4.032. If approved, this list will also be used for potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225 through the independent contractor agreement template approved by the Board in late 2009.

**Washoe County Strategic Objective supported by this item:** Safe, Secure and Healthy Communities

### PREVIOUS ACTION

Pursuant to NRS 4.032 the Board of County Commissioners approved a list of Pro Tem Justices of the Peace for Sparks, Reno and Incline Justice Courts on March 16, 2004; a list for Reno Justice Court on October 10, 2006; a list for Reno Justice Court on October 9, 2007; and a list for Incline Justice Court On April 14, 2009.

The Administrative Enforcement Ordinance was adopted on August 11, 2009 and became effective on September 18, 2009. The Board approved the independent contractor agreement template for Administrative Enforcement Code hearing officers on December 8, 2009.

AGENDA ITEM # 5.C.

On April 13, 2010, the Board approved the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and approved same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225.

On August 24, 2010, November 8, 2011, and December 11, 2012 the Board approved the process to be used for the recruitment and selection of the Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and approved same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225.

On April 12, 2016, the Board approved the revised Pro Tem Justice of the Peace panel, reviewed and qualified by Human Resources, for the Justice Courts pursuant to NRS 4.032, and approved same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225.

## **BACKGROUND**

### **PRO TEM JUSTICE OF THE PEACE LIST**

Human Resources staff used the following Board approved recruitment and selection process for Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032 (see below) and to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225:

- Human Resources staff (HR) created a position description including the statutory qualifications for a Pro Tem Justice of the Peace.
- From March 3 – April 10, 2017, HR advertised in the Nevada and Washoe County Bar Associations' newsletters and other appropriate mediums for candidates.
- Interested individuals were provided a description of the position and an application.
- All applications were screened by HR for the minimum qualifications pursuant to NRS 4.010 (see below).
- The applications of all those qualified were reviewed and qualified by HR using the statutory criteria. The Nevada State Bar was also consulted to ensure that the applicants are in good standing. The list of candidates is now submitted to the Board for consideration. (Attached.)

### ***NRS 4.032 Justices of the peace pro tempore.***

- 1. The board of county commissioners of each county shall select a number of persons it determines appropriate to comprise a panel of substitute justices of the peace. The persons so selected must possess the qualifications set forth in NRS 4.010 for the office of justice of the peace in the respective county.*

### ***NRS 4.010 Qualifications of justice of the peace.***

- 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.*

2. *A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education.*
3. *In a county whose population is 100,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who:*
  - (a) *Is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and*
  - (b) *Has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.*
4. *Subsections 2 and 3 do not apply to any person who held the office of justice of the peace on June 30, 2001.*  
*[Part 2:108:1866; A 1953, 711; 1955, 459] — (NRS A 1987, 438; 1999, 94, 1347; 2005, 1212; 2011, 1133; 2015, 939)*

#### **ADMINISTRATIVE ENFORCEMENT CODE HEARING OFFICERS**

The Administrative Enforcement Code authorizes hearing officers to preside over administrative hearings when the County Commission elects to not conduct the hearing itself. Washoe County Code (WCC) section 125.225 requires that the County Commission approve a list of all persons to serve as hearing officers. Hearing officers operate under an independent contractor agreement with Washoe County Manager's Office.

On April 13, 2010, the County Commission approved the use of the Pro Tem Justice of the Peace list for Administrative Hearing Officers. These individuals have an understanding of judicial proceedings and the ability to facilitate fairness and equitability in such proceedings. Individuals on the Pro Tem/Hearing Officer list contracted as Administrative Enforcement Code Hearing Officers receive annual training in administrative hearing procedure. Since 2010, these individuals have served in both roles.

#### **FISCAL IMPACT**

There is no fiscal impact as the Pro Tem Justice of the Peace panel is simply being selected. Expenditures associated with the administrative hearings are budgeted in the general fund Cost Center 101110 - Administrative Enforcement Process.

#### **RECOMMENDATION**

Recommendation to approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to Washoe County Code 125.225.

#### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to Washoe County Code 125.225

PRO TEM JUSTICE OF THE PEACE LIST

May 9, 2017 \*

Baker, William P. (I, R, S, W)	Maiss, Lance P. (I, R, S)
Beyer, Elizabeth Webb (R, S)	Malone, John E. (I, R, S, W)
Brock, Arnold (I, R, S, W)	Mangiaracina, Melissa (I)
Brown, Douglas R. (R, S, W)	Molezzo, Richard A. (I, R, S, W)
Conway, Cotter C. (I, R, S, W)	Mumm, Christopher Eric (I, R, S, W)
Edwards, Robert Lee (I)	Pizzano-Miraglia, Patricia (I)
Field-Lang, Cheryl (R, S)	Prutzman, Judy Ann (I, R, S, W)
Gertken, Rhea (I)	Rands, Douglas (I, R, S, W)
Ghusn, Nancy Moss (R, S)	Ristenpart, Theresa (I, R, S, W)
Gorman, Edmund J. (I, R, S, W)	Sabin, Gregory D. (I)
Greiner, Jill I. (R, S)	Sotelo, Henry (R, S)
Hall, Ann O. (I, R, S, W)	Springgate, John (I, R, S, W)
Halstead, Patricia (I, R, S, W)	Ting, Nicole N. (I, R, S, W)
Holderer, Gayle (I, R, S, W)	Viloria, Kelli Anne (I, R, S)
Hubach, Jenny Diane (I, R, S, W)	Vinson, Robert E. (I)
Hylin, Carl Foster (I, R, S, W)	Wieland, Robert E. (I, R, S, W)
Kockenmeister, Bill (I, R, S, W)	Wolf, Andrew N. (I)
Krasner, Lisa (I)	Yu, Daniel J. (R, S)
Leeder, Nancyann (R, S)	
Linton, Linda J. (I, R, S, W)	

I = Incline Justice Court  
R = Reno Justice Court  
S = Sparks Justice Court  
W = Wadsworth Justice Court

\*List is in effect for approximately one year from the date approved by the Board of County Commissioners.